UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

MARY SHULTZ,)	
Plaintiff,)	
vs.)	Case No. 2:12CV18 CDP
MICHAEL ASTRUE,)	
Commissioner of Social Security,)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before me for judicial review under 42 U.S.C. § 405(g). Plaintiff Mary Shultz is appealing a final decision of the Social Security Administration denying her application for disability insurance and supplemental security income under Titles II and XVI of the Social Security Act. Defendant has submitted a motion to reverse and remand this action. Defendant requests that I both enter final judgment in accordance with Fed. R. Civ. P. 58 reversing the decision of the Administrative Law Judge and remand this case to the Commissioner of Social Security for further proceedings.

Plaintiff has not objected to this motion, and the time for making such objection has passed. After careful consideration, I will grant this motion and remand this action for further proceedings.

Sentence four of 42 U.S.C. § 405(g) states that "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." However, in order for me to properly remand a case to the Commissioner pursuant to sentence four, I must enter an order either affirming, modifying, or reversing the Commissioner's decision. *See Brown v. Barnhart*, 282 F.3d 580, 581 (8th Cir. 2002).

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to remand [#11] is granted and the decision of the Commissioner is reversed and remanded for further proceedings consistent with defendant's motion to remand.

A separate judgment in accordance with this Order is entered this same date.

CATHERINE D. PERRY

UNITED STATES DISTRICT JUDGE

Dated this 30th day of May, 2012.